

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHRISTOPHER SANCHEZ, a minor by and)	
through INES GUADARRAMA and)	
ANDRES SANCHEZ, his parents and next)	
friends and INES GUADARRAMA and)	
ANDRES SANCHEZ, individually,)	No.
)	
Plaintiffs,)	
)	Judge
v.)	
)	
LESLIE OLSEN, R.N., individually;)	Formerly case No. 09 L 254, Circuit
SHERMAN HOSPITAL, an Illinois)	Court of Kane County, Illinois.
corporation; RAJA CHATTERJI, WOMEN'S)	
HEALTHCARE CENTER, LTD., an Illinois)	
corporation,)	
)	
Defendants.)	

**NOTICE OF REMOVAL OF A CIVIL ACTION AND
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To: Circuit Court of the	Jennifer Lewis, Esq.
Sixteenth Judicial Circuit	200 West Adams Street
Kane County, Illinois	Suite 1900
Deborah Seyller, Clerk of the Court	Chicago, Illinois 60606
P.O. Box 112	
Geneva, Illinois 60134	Bruce Brown, Esq.
	2000 West Galena Blvd.
Michael P. Schostok	Suite 201
Salvi, Schostok & Pritchard, P.C.	Aurora, Illinois 60506
218 North Martin Luther King Jr. Dr.	
Waukegan, Illinois 60085	

The United States, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of

Illinois, pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2679, and 42 U.S.C. § 233, and in support thereof states the following:

1. On April 23, 2009, plaintiffs Christopher Sanchez, a minor, by and through Ines Guadarrama and Andres Sanchez commenced the above civil action against Leslie Olsen, R.N., Sherman Hospital, Raja Chatterji, M.D. and Women’s Healthcare Center, Ltd., alleging medical malpractice. A copy of the state court complaint is attached as Exhibit A. For purposes of this lawsuit, Raja Chatterji, M.D., was a physician for Visiting Nurse Association of Fox Valley, a private entity that receives grant money from the Public Health Service pursuant to 42 U.S.C. § 233.

2. This notice of removal is filed in accordance with 28 U.S.C. § 2679(d)(2) and 42 U.S.C. § 233 upon certification by the designee of the Attorney General of the United States that defendant Raja Chatterji, M.D., was acting within the scope of his employment as a federal government employee at the time of the incidents out of which the claim arose. Exhibit B.

3. This notice of removal may be filed without bond at any time before trial. 28 U.S.C. § 2679(d)(2). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General’s designee and the filing of this notice of removal, under 28 U.S.C. § 2679, this civil action is deemed an action against the United States and the United States is substituted as the sole federal party defendant in place of defendant Raja Chatterji, M.D.

WHEREFORE, this action now pending in the Circuit Court of Kane County, Illinois, is properly removed to this court pursuant to 28 U.S.C. § 2679(d) and 42 U.S.C. § 233, and the United States is substituted as the defendant in lieu of Raja Chatterji, M.D.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

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